

**DETAILED ACTION**

***EXAMINER'S AMENDMENT***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Stanley Registration No.: 58, 523 on 07/13/2010. Claims 11-12, 16, 24-25 have been amended as follows;

11. (Currently amended) In lines 4-5, 8, and 18, the term "predetermined" is inserted between "the" and "terminal". In line 6, the term "the" before "temporary stoppage" is deleted and replaced with "a".

12. (Currently amended) In lines 4-5, 8, and 18, the term "predetermined" is inserted between "the" and "terminal". In line 6, the term "the" before "temporary stoppage" is deleted and replaced with "a".

16. (Currently amended) In lines 5, 8, the term "predetermined" is inserted between "the" and "base station apparatus".

24. (Currently amended) In lines 3, 6, 12-13, the term "predetermined" is inserted between "the" and "terminal". In lines 4, the term "the" before "temporary stoppage" is deleted and replaced with "a". In line 9, the term "by a control unit" is inserted after "causing".

25. (Currently amended) In lines 3, 6, 13-14, the term "predetermined" is inserted between "the" and "terminal". In lines 4-5, the term "the" before "temporary stoppage" is deleted and replaced with "a". In line 9, the term "by a control unit" is inserted after "causing". In line 6, the term "via the communication unit" is deleted.

26. (Currently amended) In line 1, the term "recording" is added after "A computer-readable". In lines 7, 13-14, the term "predetermined" is inserted between "the" and "terminal". In line 5, the term "the" before "temporary stoppage" is deleted and replaced with "a".

27. (Currently amended) In line 1, the term "recording" is added after "A computer-readable". In lines 4, 7, 13-14, the term "predetermined" is inserted between "the" and "terminal". In lines 5-6, the term "the" before "temporary stoppage" is deleted and replaced with "a". In line 7, the term "via the communication unit" is deleted.

***Allowable Subject Matter***

2. Claims 11-12, 14-17, 24-27 are allowed.

3. The following is an examiner's statement of reasons for allowance: claims 11-12, 14-17, 24-27;

With respect to claims 11, 24, 26, the prior art on the record either singularly or in combination fails to teach a communication control unit which causes the transmission rate varying unit to perform the processing of varying the transmission rate of the uplink if the downlink is not set to be prioritized and causes the transmission rate varying unit to stop the processing of varying the transmission rate in the uplink and maintains the transmission rate of the uplink if the downlink is set to be prioritized.

With respect to claims 12, 25, 27, the prior art on the record either singularly or in combination fails to teach a communication control unit which causes the transmission rate varying unit to perform the processing of varying the transmission rate of the downlink if the uplink is not set to be prioritized and causes the transmission rate varying unit to stop the processing of varying the transmission rate in the downlink and maintains the transmission rate of the downlink if the uplink is set to be prioritized.

With respect to claim 16, the prior art on the record either singularly or in combination fails to a communication control unit which performs the processing of varying the transmission rate thereby varying the transmission rate if the link determined by the decision unit to be prioritized is identical to the link subject to variation of the transmission rate by the transmission rate varying unit, and does not perform the processing of varying the transmission rate and maintains the transmission rate if the

uplink or downlink determined by the decision unit to be prioritized is different from the uplink or downlink subject to variation of the transmission rate by the transmission rate varying unit.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:00 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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